

## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (currently amended): A device for treating ischemic tissue, ~~the device~~ comprising:

an elongate shaft having proximal and distal ends, a lumen extending therebetween;

a control structure operably connected to the elongate shaft for actuation of the device by user activation;

at least one injury effector adjacent to the elongate shaft's distal end of the elongate shaft, and capable of inducing a mechanical, chemical, substance, or energy injury at an ischemic a first tissue site in response to actuation by the control structure when the ~~shaft's distal end injury effector~~ is placed against or near the ischemic the first tissue site surface, wherein at least one injury effector does not contain therapeutic-substance delivery capabilities; and

at least one therapeutic-substance delivery effector carried on ~~the elongate shaft~~ at the distal end of the elongate shaft thereof, the at least one therapeutic-substance delivery effector having at least one therapeutic-substance delivery port through which a therapeutic-substance can be delivered ~~from the at least one therapeutic-substance delivery effector into the ischemic~~ to a second tissue site against or near which the at least one therapeutic-substance delivery effector is placed, ~~the at least one injury effector and the at least one therapeutic-substance delivery effector being spaced from one another at selected positions and adapted to be placed simultaneously against or near the ischemic tissue;~~ wherein the first tissue site and second tissue site are located at different locations in the tissue; and

at least one therapeutic-substance source having a reservoir for storing the therapeutic-substance and in substance communication with the at least one therapeutic-substance delivery port, and responsive to said control structure to eject the therapeutic-substance from said reservoir through the at least one therapeutic-substance delivery port into ~~the ischemic tissue~~ located at or near the second tissue site.

~~wherein the control structure, when activated by a user, operates to actuate the at least one injury effector to create at least one site of injury, and additionally actuates the at least one therapeutic substance source to expel therapeutic substance through the at least one therapeutic substance delivery port to create at least one site of therapeutic substance infusion in the ischemic tissue in at least one defined spaced apart location with respect to the created at least one site of injury.~~

2-4. (canceled)

5. (currently amended): The device of claim 1 wherein the ~~at least one injury effector and the at least one therapeutic-substance delivery effector~~ source are capable of being actuated by the control source simultaneously.

6. (currently amended): The device of claim 1 wherein the ~~at least one injury effector and the at least one therapeutic-substance delivery effector~~ source are capable of being actuated by the control source sequentially.

7-9. (canceled)

10. (currently amended): The device of claim 1 wherein the ~~at least one therapeutic-substance source is~~ capable of being actuated independent of the actuation of the ~~at least one therapeutic-substance delivery injury~~ effector.

11. (currently amended): The device of claim 1 wherein the ~~at least one therapeutic-substance source is~~ capable of being actuated simultaneous with the actuation of the ~~at least one therapeutic-substance delivery injury~~ effector.

12. (currently amended): The device of claim 1 wherein the distal end of the elongate shaft ~~further comprises a~~ is steerable ~~distal end~~.

13-16. (canceled)

17. (currently amended): The device of claim 1 wherein the elongate shaft is comprises an endoscope.

18. (currently amended): The device of claim 1 wherein the elongate shaft is comprises an open surgical hand held device.

19-21. (canceled)

22. (new) A device for treating ischemic tissue comprising:

an elongate shaft having a proximal end, a distal end, and a lumen extending therebetween;

a control structure operably connected to the elongate shaft;

at least one injury effector adjacent to the distal end of the elongate shaft and capable of inducing a mechanical, chemical, substance or energy injury in the ischemic tissue in response to actuation by the control structure, wherein at least one injury effector does not contain therapeutic-substance delivery capabilities;

at least one therapeutic-substance delivery effector disposed on the distal end of the elongate shaft, wherein the therapeutic-substance delivery effector comprises at least one therapeutic substance delivery port; and

at least one therapeutic-substance source having a reservoir for storing a therapeutic substance and in fluid communication with the at least one therapeutic-substance

delivery port, wherein the therapeutic-substance source is responsive to actuation by the control structure for ejecting the therapeutic-substance from the reservoir through the therapeutic-substance delivery port; and

wherein the control structure is capable of actuating the injury effector to create the injury at a first tissue site and is capable of actuating the therapeutic-substance source to expel the therapeutic substance through the therapeutic-substance delivery port to create a least one site of therapeutic-substance delivery to a second tissue site, wherein the first and second tissue sites are located at different locations in the ischemic tissue.

23. (new) The device of claim 22, wherein the injury effector and the therapeutic-substance source are capable of being actuated simultaneously.

24. (new) The device of claim 22, wherein the injury effector and the therapeutic-substance source are capable of being actuated sequentially.

25. (new) The device of claim 22, wherein the therapeutic-substance source is capable of being actuated independent of the actuation of the injury effector.

26. (new) The device of claim 22, wherein the distal end of the elongate shaft is steerable.

27. (new) The device of claim 22, wherein the elongate shaft comprises an endoscope.

28. (new) The device of claim 22, wherein the elongate shaft comprises an open surgical device.